

CHAPTER 32A**STATE BOARD OF EXAMINERS OF HEATING,
VENTILATING, AIR CONDITIONING, AND
REFRIGERATION CONTRACTORS RULES****Authority**

N.J.S.A. 45:1-15.1, 45:1-21, and 45:16A-1 et seq.,
specifically 45:16A-4.

Source and Effective Date

R.2013 d.060, effective April 15, 2013 (operative March 1, 2014).
See: 44 N.J.R. 647(a), 45 N.J.R. 910(a), 45 N.J.R. 1658(c),
45 N.J.R. 2335(a), 45 N.J.R. 2606(a).

Chapter Expiration Date

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, expires on April 15,
2020.

Chapter Historical Note

Chapter 32A, State Board of Examiners of Heating, Ventilating, Air
Conditioning, and Refrigeration Contractors Rules, was adopted as new
rules by R.2013 d.060, effective April 15, 2013 (operative March 1,
2014). See: Source and Effective Date.

Administrative correction. See: 45 N.J.R. 1249(c).

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**SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS****13:32A-1.1 Purpose and scope**

(a) The rules contained in this chapter provide for the
licensing and regulation of master heating, ventilating, air
conditioning, and refrigeration contractors, implementing the
provisions of the State Heating, Ventilating, Air Conditioning
and Refrigeration Contracting License Law (P.L. 2007,
c. 211, N.J.S.A. 45:16A-1 et seq.).

(b) This chapter does not apply to any person who is:

1. Licensed to practice in New Jersey and is practicing
within the scope of practice of his or her profession in-
cluding architects, professional engineers, well drillers and
pump installers, electrical contractors, and master plumb-
ers, as long as such person does not identify him- or herself
as a licensed Master HVACR contractor;
2. A chimney service professional regulated by the
Division of Consumer Affairs as a home improvement con-
tractor acting within the scope of practice of his or her
profession as long as such person does not identify him- or
herself as a licensed Master HVACR contractor;
3. A single-family home owner who personally oc-
cupies his or her own dwelling and who performs work on
his or her own dwelling, except that any HVACR work
involving chlorofluorocarbons (CFCs) or hydrochloro-
fluorocarbons (HCFCs) shall be performed only by a
licensed Master HVACR contractor;
4. Licensed as a master plumber and is engaged in the
installation, maintenance, and repair of:
 - i. Power boiler systems, hot water and steam
heating systems, fire tube and water tube boilers, pres-
sure steam and hot water boilers, space heaters, unit
heaters, and appurtenances utilizing electricity, fossil
fuel, or solar energy;
 - ii. Steam, hot water and chilled water pipe, con-
densate piping, valves, fittings, burners and piping, ex-
pansion tanks, pumps, and gauges on the load side of a
meter;
 - iii. Thermostatic controls; or
 - iv. Natural or manufactured gas piping;

5. Licensed as a master plumber and is engaged in the installation, maintenance, or connection of:

i. Pneumatic and/or direct digital controls and control piping for the control of air, liquid, or gas temperatures, radiators, convectors, cabinet unit heaters, fan coil units, air handlers utilizing hydronic coils, mechanical ventilation for radon mitigation, humidifiers, flues, and patented chimneys; or

ii. Pneumatic and/or direct digital controls and control piping of automatic oil, gas, or coal burning equipment, gasoline or diesel oil dispensing equipment, and, in replacement cases only, connecting to them the wiring from a dedicated electrical service disconnect box of adequate size to accommodate the equipment and controls, and the testing and balancing of hydronic systems;

6. Licensed as a master plumber and is engaged in the installation, repair, testing, or closure of waste oil underground storage tanks;

7. Licensed as an electrical contractor and is engaged in the installation of:

i. Electrical resistance heating equipment and ventilation equipment with an exhaust duct not exceeding 60 square inches in area; or

ii. In commercial applications the connection sleeve between a roof-top mounted exhaust fan and its central connecting register, provided that this connection sleeve is not more than 15 inches in length or the length necessary to penetrate a roof or other similar openings; or

8. Licensed as an electrical contractor and is engaged in the maintenance and repair of the electrical sections of any equipment used for heating, ventilating, air conditioning, or refrigeration.

(c) This chapter shall not apply to any public utility company regulated by the Board of Public Utilities or any related competitive business segment of that public utility that offers competitive services pursuant to the "Electric Discount and Energy Competition Act," P.L. 1999, c. 21 (N.J.S.A. 48:3-49 et seq.). This chapter does not apply to HVACR work performed on buildings, structures, or premises owned or operated by a public utility holding company or its subsidiaries.

(d) This chapter shall not apply to any liquefied petroleum gas marketer licensed by the Department of Community Affairs.

(e) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems as part of his or her employment for an entity that owns or operates:

1. A general hospital licensed pursuant to P.L. 1971, c. 136 (N.J.S.A. 26:2H-1 et seq.);

2. A building that contains a steam boiler, pressure vessel, or refrigeration plant, which is subject to test and inspection pursuant to N.J.S.A. 34:7-14; or

3. A casino-hotel facility operated under the provisions of the "Casino Control Act," P.L. 1977, c. 110 (N.J.S.A. 5:12-1 et seq.), which shall include any building containing heating, ventilating, air conditioning, and refrigeration systems operated by one or more casino-hotel facilities as part of an agreement or arrangement to share systems.

(f) This chapter shall not apply to a person who performs service, repair, or maintenance work necessary for the continued normal performance of heating, ventilating, air conditioning, and refrigeration systems if:

1. That person has completed an education that complies with the requirements of N.J.A.C. 13:32A-2.2;

2. That person is an employee of the owner or lessee of the property at which the services, repairs, or maintenance work is being performed, who was hired to work on an ongoing and continuous basis, and whose remuneration is reported on a Form W-2 to the Internal Revenue Service; and

3. That person and his or her employer do not engage in or offer HVACR contracting to the public.

Amended by R.2015 d.069, effective May 4, 2015.

See: 46 N.J.R. 2079(a), 47 N.J.R. 902(a).

Added (e) and (f).

Petition for Rulemaking.

See: 48 N.J.R. 2401(b), 2401(c).

13:32A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Board" means the State Board of Examiners of Heating, Ventilating, Air Conditioning, and Refrigeration Contractors.

"Bona fide representative" means a licensed master HVACR contractor who:

1. In the case of a sole proprietorship, is the owner of the business;

2. In the case of a partnership, is a partner in the business;

3. In the case of a limited liability company, is a manager; or

4. In the case of a corporation, is an executive officer.

"Director" means the Director of the Division of Consumer Affairs in the Department of Law and Public Safety.

"Heating, ventilating, air conditioning, and refrigeration" or "HVACR" means the process of treating and protecting the environment by the responsible handling, dispensing, collecting, and cleaning of chlorofluorocarbons and other refrigerants in stationary sources, and controlling the temperature,

applicant engaged in the practice of heating, ventilating, air conditioning, and refrigeration contracting; or

vi. Any other documentation that demonstrates to the Board that the applicant has completed at least two years of experience in heating, ventilating, air conditioning, and refrigeration contracting.

4. The application and licensing fees as set forth in N.J.A.C. 13:32A-6.1.

Administrative correction.
See: 45 N.J.R. 2335(a), 2606(a).

13:32A-2.7 Credit towards licensure for education, training, and experience received while serving as a member of the Armed Forces

(a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:32A-2.2 may apply to the Board for recognition of the applicant's training, education, or experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

(b) The Board shall issue a license to the applicant, if the applicant presents evidence to the Board that:

1. The applicant has been honorably discharged from active military service;

2. The relevant training, education, and experience the applicant has received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, education, and experience required for licensure under N.J.A.C. 13:32A-2.2.

i. An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586.

ii. An applicant seeking credit for education courses and/or training completed while in the military shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the program required for licensure under N.J.A.C. 13:32A-2.2. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those education courses or training courses and/or training relevant to the practice of heating, ventilating, air conditioning, and refrigeration that have been evaluated by the American Council on Education for substantial equivalence to civilian heating,

ventilating, air conditioning, and refrigeration education; and

3. The applicant complies with all other requirements for licensure, including successful completion of licensing examination.

(c) It is the applicant's responsibility to provide timely and complete evidence of the training, education, and experience gained in the military for review and consideration.

(d) If the applicant's military training, education, and experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, and experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:32A-2.2 for the issuance of the license.

(e) Satisfactory evidence of such training, education, and experience shall be assessed on a case-by-case basis.

New Rule, R.2015 d.155, effective September 21, 2015.
See: 46 N.J.R. 2261(a), 47 N.J.R. 2385(a).

SUBCHAPTER 3. RENEWAL OF LICENSURE

13:32A-3.1 Renewal of license

(a) Licenses shall be renewed biennially on a form provided by the Board. Each applicant for renewal shall attest that the continuing education requirements of N.J.A.C. 13:32A-4.1 have been completed during the prior biennial period.

(b) The Board shall send a notice of renewal to each master HVACR contractor, at least 60 days prior to the expiration of the license. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for any unlicensed practice during the period following the licensure expiration, not to exceed the number of days short of the 60 before the notice of renewal was sent.

(c) The master HVACR contractor shall submit the renewal application and pay the renewal and pressure seal fees pursuant to N.J.A.C. 13:32A-6.1 prior to the date of expiration of the license.

(d) If the master HVACR contractor does not renew the license prior to its expiration date, the master HVACR contractor may renew the license no later than 30 days after its expiration date by submitting a renewal application and paying a renewal fee and a late fee pursuant to N.J.A.C. 13:32A-6.1. If a master HVACR contractor fails to renew the license within 30 days after the expiration date, the license shall be suspended without a hearing. A master HVACR contractor whose license has been suspended shall return his or her pressure seal to the Board.

(e) A person who continues to practice or hold himself or herself out as a master HVACR contractor after his or her license has been suspended pursuant to (d) above shall be deemed to have committed unlicensed practice pursuant to N.J.S.A. 45:16A-7, even if no notice of suspension has been provided to the person.

(f) A person seeking reinstatement within five years following the suspension of a license pursuant to (d) above shall submit the following to the Board:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32A-6.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32A-6.1;
4. A certification verifying completion of the continuing education credits required pursuant to N.J.A.C. 13:32A-4.1 for the biennial renewal period immediately preceding the date the application for reinstatement is submitted; and
5. An affidavit of employment listing each job held during the period of suspension which includes the names, addresses, and telephone numbers of each employer.

(g) A person seeking reinstatement after more than five years following the suspension of a license pursuant to (d) above shall successfully complete the examination required for initial licensure as set forth in N.J.A.C. 13:32A-2.3 and shall submit:

1. A completed reinstatement application;
2. Payment of all past delinquent renewal fees as set forth in N.J.A.C. 13:32A-6.1;
3. Payment of a reinstatement fee as set forth in N.J.A.C. 13:32A-6.1; and
4. An affidavit of employment listing each job held during the period of suspension, which includes the names, addresses, and telephone numbers of each employer.

(h) Renewal applications for all master HVACR contractors shall provide the applicant with the option of either active or inactive renewal. Applicants electing to renew as inactive shall not practice or hold themselves out to the public as master HVACR contractors. A master HVACR contractor renewing as inactive shall submit to the Board:

1. A completed renewal application; and
2. The pressure seal.

(i) Upon application to the Board, the Board may permit an applicant who has been on inactive status to return to active status provided such applicant completes the continuing education credits that are required pursuant to N.J.A.C. 13:32A-4.1 for the biennial period immediately preceding the date the application for reactivation is

submitted and the applicant pays the renewal fee as set forth in N.J.A.C. 13:32A-6.1. The Board shall return the master HVACR contractor's pressure seal, or arrange for a new pressure seal to be issued, when the master HVACR contractor returns to active status.

SUBCHAPTER 4. CONTINUING EDUCATION

13:32A-4.1 License renewal; continuing education requirement

(a) Every master HVACR contractor shall successfully complete five credits of continuing education at an approved course every biennial period. Master HVACR contractors applying for their first biennial renewal are exempt from this continuing education requirement.

(b) A master HVACR contractor shall indicate on the license renewal form that he or she has completed the continuing education requirements of this subchapter. Failure to meet the continuing education requirements as set forth in this subchapter or the falsification of any information submitted with the renewal application may result in the imposition of disciplinary sanctions pursuant to N.J.S.A. 45:1-21 et seq.

(c) Every master HVACR contractor shall maintain, for a period of four years, all verification of attendance forms for all continuing education courses the master HVACR contractor has completed. Master HVACR contractors who teach a continuing education course during a biennial period shall maintain, for a four-year period, records that indicate that the master HVACR contractor has taught a Board-approved continuing education course.

(d) The Board may review the records of any master HVACR contractor, at any time, in order to ensure that the master HVACR contractor has complied with the continuing education requirements.

Public Notice: Continuing education topics.
See: 48 N.J.R. 981(c).

13:32A-4.2 Continuing education sponsors; Board approval; duties

(a) All sponsors of continuing education courses shall obtain Board approval prior to offering a continuing education course for an upcoming biennial period. The Board shall maintain a list of approved courses at the Board offices and shall furnish this information to master HVACR contractors upon request.

(b) A sponsor seeking Board approval shall appear before the Board and submit, prior to that appearance, the following:

1. Detailed descriptions of course content and estimated hours of instruction;

2. Curriculum vitae of each instructor, including the background that qualifies him or her as an instructor in specific areas; and

3. The continuing education sponsor application fee pursuant to N.J.A.C. 13:32A-6.1.

(c) The sponsor of a continuing education course shall furnish each attendee a verification of attendance, which shall include the following:

1. The title, date, and location of course or program offering;
2. The name and license number of the attendee;
3. The number of hours attended; and
4. The name and signature of the sponsor or instructor.

(d) The sponsor of a continuing education course shall monitor the attendance at each approved course and maintain an attendance log, which lists the name and license number of every master HVACR contractor who attends a course. The log shall document that each master HVACR contractor has completed the sponsor's course.

(e) The sponsor shall obtain course evaluations from both participants and instructors and maintain these evaluations as part of the sponsor's records.

(f) The Board may evaluate the performance of any continuing education instructor through observation of the instructor during the presentation of a course or evaluate the qualifications and abilities of the instructor by conducting an interview during a Board meeting.

(g) A continuing education class shall consist of no more than 50 people.

13:32A-4.3 Required course topics

(a) Every biennial period, master HVACR contractors shall complete one hour of continuing education in statutes and rules governing the practice of heating, ventilating, air conditioning, and refrigeration, including the Uniform Construction Code, N.J.A.C. 5:23.

(b) Three months prior to the beginning of a biennial period, the Board shall determine the topics for the remaining four hours of continuing education that shall be provided by program sponsors for the upcoming biennial period. The Board shall determine these topics at a regularly scheduled public Board meeting.

(c) The list of required topics shall be published as a public notice in the New Jersey Register and shall be available at the Board offices.

(d) During the biennial renewal period beginning July 1, 2016, and ending on June 30, 2018, sponsors of continuing education courses shall include one hour of education in propane services, which includes substantially the same information covered in either the Fundamentals of LP manual, 2007 edition or the Gas Installation for UA Journeyworkers and Apprentices manual, 2003 edition.

(e) After completion of the education in propane services required by (d) above, sponsors of continuing education courses shall administer a competency evaluation examination, which tests a licensed master HVACR contractor's understanding of the information provided on propane services.

Amended by R.2015 d.206, effective December 21, 2015.

See: 47 N.J.R. 882(a), 47 N.J.R. 2244(a), 47 N.J.R. 3125(b).

Added (d) and (e).

Public Notice: Continuing education topics.

See: 48 N.J.R. 981(c).

13:32A-4.4 Credit awarded

(a) One continuing education credit shall equal one hour of attendance at a continuing education course.

(b) A master HVACR contractor who teaches a continuing education course approved by the Board shall earn five credits of continuing education for the biennial period in which he or she teaches the course and shall be exempt from the requirement of N.J.A.C. 13:32A-4.3(a).

(c) A master HVACR contractor who has completed the continuing education requirements for renewal of a license as a master plumber shall earn four credits of continuing education. Such a master HVACR contractor shall be required to complete one hour of continuing education in the statutes and rules governing the practice of heating, ventilating, air conditioning, and refrigeration required by N.J.A.C. 13:32A-4.3.

13:32A-4.5 Waiver of continuing education requirement

(a) The Board may waive continuing education requirements on an individual basis for reasons of hardship, such as illness, disability, military duty, or other good cause that prevents the master HVACR contractor from completing continuing education credits during a biennial period.

(b) Any master HVACR contractor seeking a waiver of the continuing education requirements shall apply to the Board in writing and set forth in specific detail the reasons for requesting the waiver. The master HVACR contractor shall provide the Board with such supplemental materials as will support the request for waiver.

SUBCHAPTER 5. IDENTIFICATION OF LICENSEES;
BONA FIDE REPRESENTATIVE; SUPERVISION

**13:32A-5.1 Identification of master HVACR contractor;
vehicles, stationery; advertising**

(a) All commercial vehicles used by a master HVACR contractor shall be marked on driver's and passenger's sides with the following information:

1. The name of the HVACR business;
2. The name of the master HVACR contractor who owns the business or the name of the bona fide representative for the business in lettering at least one inch in height;
3. The words "Master HVACR contractor license number" or "Master HVACR contractor Lic. #" followed by the license number of the master HVACR contractor in lettering at least one inch in height; and

4. The municipality from which the master HVACR contractor practices or where the master HVACR contractor has a principal office in lettering at least three inches in height.

(b) All business correspondence, invoices, and stationery shall display:

1. The name of the master HVACR contractor;
2. The words "Master HVACR contractor license number" or "Master HVACR contractor Lic. #" followed by the license number of the master HVACR contractor; and
3. The New Jersey business address, including the street name and number.

(c) All advertising shall include:

1. The name of the master HVACR contractor; and